

STATE OF MICHIGAN
COURT OF APPEALS

In re Mark Hook.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK HOOK,

Defendant-Appellant.

UNPUBLISHED

August 10, 1999

No. 208223

Wayne Probate Court -

Juvenile Division

LC No. 97-352455

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of malicious destruction of property over \$100, MCL 750.377a; MSA 28.609(1). We affirm.

Defendant was charged in connection with damage inflicted on complainant's van. Defendant argues that because evidence was presented that he was elsewhere at the time the van was being damaged, there was insufficient evidence adduced at trial to support his conviction. We disagree. "In determining whether sufficient evidence has been presented to sustain a conviction, an appellate court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

At the heart of this appeal is a credibility contest between witnesses for the prosecution and defendant. At the delinquency adjudication hearing, complainant testified that between 6:30 p.m. and 6:45 p.m. on January 4, 1997, he discovered defendant and another juvenile tampering with his van. The van was burning in several places. Complainant indicated that he was familiar with defendant because he lived nearby and was an acquaintance of his "older daughter." Conversely, defendant testified that he was at the home of a friend at the time the incident occurred. Nancy Rumney, defendant's mother, and Charity McConnaghay, mother of the other juvenile allegedly involved, also testified that their sons were at the friend's home during the relevant time period. Terri Rosenbalm,

* Circuit judge, sitting on the Court of Appeals by assignment.

mother of the friend, confirmed that between 5:00 p.m. and 7:00 p.m. on January 4, 1997, defendant was playing pool with her son in the basement of her home.

“[Q]uestions regarding the credibility of . . . witnesses are for the trier of fact.” *People v Givans*, 227 Mich App 113, 124; 575 NW2d 84 (1997). If testimony is conflicting, it is for the trier of fact to decide what weight to give to the testimony given by each witness. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989). Here, defendant presented alibi witnesses who testified that he was elsewhere at the time the offense was committed. However, the court gave less weight to the testimony offered by Rumney and McConnaghay because it was inconsistent in some respects and because the witnesses would be reluctant to believe that their sons would be involved in such an incident. The court found Rosenbalm’s testimony to be credible, but noted that Rosenbalm could not testify that defendant was in her house at all times. Accordingly, viewed in a light most favorable to the prosecution, we believe complainant’s clear and unambiguous testimony constituted sufficient evidence of identification. See *People v Amos*, 10 Mich App 533, 536; 159 NW2d 855 (1968).

Affirmed.

/s/ David H. Sawyer
/s/ Donald E. Holbrook, Jr.
/s/ William E. Collette